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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,104	04/19/2004	Justin L. Fort		1477

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EXAMINER	
LE, TOAN M	

ART UNIT	PAPER NUMBER
2863	

MAIL DATE	DELIVERY MODE
12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/827,104	FORT ET AL.	
	Examiner	Art Unit	
	Toan M. Le	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-9,13,15 and 27-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-9,13,15 and 27-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-9, 13, 15, and 27-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Orban et al. (US Patent No. 6,847,896).

Referring to claim 1, Orban et al. disclose a system for measuring a property of a surface, the system comprising:

a plurality of survey probes (col. 5, lines 8-61; col. 10, lines 54-61; Figure 1); and

a survey controller configured to program the same survey probes for seismic or electrical measurements of the surface (col. 12, lines 60-66; col. 14, lines 33-49; col. 15, lines 13-33).

As to claim 2, Orban et al. disclose a system for measuring a property of a surface, the system comprising:

a plurality of survey probes, each having a unique identifier (col. 5, lines 8-61; col. 10, lines 54-61; Figure 1); and

a survey controller configured to automatically poll the survey probes to obtain each identifier and determine a relative order the probes (col. 12, lines 60-66; col. 14, lines 33-49; col. 15, lines 13-67).

Referring to claim 3, Orban et al. disclose a system for measuring a property of a surface, each survey probe configured to:

disconnect a downstream neighbor survey probe and enter an idle state;

report its unique identifier to the survey controller if in the idle state and in response to a polling command from the survey controller; and

change to a state other than the idle state after reporting its unique identifier (col. 15, lines 13-33).

As to claim 4, Orban et al. disclose a system for measuring a property of a surface, the survey controller configured to assign and transmit a different, unique identifier to each survey probe (col. 15, lines 13-67).

Referring to claim 6, Orban et al. disclose a system for measuring a property of a surface, the survey controller and survey probes being connected by a first number of conductors, the survey probes being configured to perform a second number of simultaneous measurements of the surface, and the second number not being limited by the first number (col. 6, lines 33-43).

As to claim 7, Orban et al. disclose a system for measuring a property of a surface, the survey controller being remotely accessible through a computer network for remote control of the survey controller and the survey probes (col. 6, lines 33-62; col. 12, lines 60-67 to col. 13, lines 1-2).

Referring to claim 8, Orban et al. disclose a system for measuring a property of a surface, the survey probes being connected to the survey controller through three conductors, two conductors supplying power and a third conductor acting as a communications bus (col. 6, lines 33-43).

As to claim 9, Orban et al. disclose a system for measuring a property of a surface, the system comprising:

a survey controller (col. 15, lines 13-33); and

a plurality of survey probes configured to:

(a) collect signals associated with the surface (col. 12, lines 60-67 to col. 13, lines 1-2; Figure 1);

(b) digitize the signals to form digital data; and

(c) store the digital data for later transmission to the survey controller (col. 14, lines 17-49).

Referring to claim 13, Orban et al. disclose a system for measuring a property of a surface, the survey controller sending data to individually program survey probes to generate a stimulus simultaneously or according to another programmed timing scheme (col. 13, lines 3-10 and lines 62-66).

As to claim 15, Orban et al. disclose a system for measuring a property of a surface, the survey controller sending data to individually program survey probes to form digital data and store the digital data according to a programmed timing scheme (col. 13, lines 3-10 and lines 62-66).

Referring to claim 27, Orban et al. disclose a system for measuring a property of a surface, the system comprising:

a survey controller (col. 15, lines 13-33); and

a plurality of survey probes whose position relative to one another is automatically determined (col. 13, lines 62-67 to col. 14, lines 1-16).

As to claim 28, Orban et al. disclose a system for measuring a property of a surface, further comprising a transmitting beacon and where the position is determined using a signal from the transmitting beacon (col. 14, lines 17-49).

Referring to claim 29, Orban et al. disclose a system for measuring a property of a surface, further comprising a radio frequency identification (RFID) system coupled to the probes and a Global Positioning System (GPS), the position being determined by combining identification information from the RFID system with positional location from the GPS (col. 15, lines 52-67).

As to claim 30, Orban et al. disclose a system for measuring a property of a surface, the survey probes being in motion (Figure 1).

Referring to claim 31, Orban et al. disclose a system for measuring a property of a surface, the system comprising:

a plurality of survey probes (col. 5, lines 8-61; col. 10, lines 54-61; Figure 1); and

a survey controller configured to supply power to the survey probes using a power conduit;

where the survey probes automatically electrically disconnect from the power conduit while measuring the property and operate using an internal source of power when disconnected to reduce noise (col. 15, lines 13-33).

As to claim 32, Orban et al. disclose a system for measuring a property of a surface, the system comprising:

a plurality of survey probes (col. 5, lines 8-61; col. 10, lines 54-61; Figure 1); and

a survey controller that is remotely accessible through a computer network for remote control of the survey probes (col. 12, lines 60-67 to col. 13, lines 1-10), the remote control comprising:

(a) remote initiation of a measurement of the property of the surface; and

(b) remote collection of data from a measurement of the property of the surface (col. 3, lines 33-43; col. 12, lines 60-67 to col. 13, lines 1-10).

Referring to claim 33, Orban et al. disclose a system for measuring a property of a surface, the remote control further comprising remote processing of data from a measurement of the property of the surface (col. 12, lines 60-67 to col. 13, lines 1-10).

As to claim 34, Orban et al. disclose a system for measuring a property of a surface, the remote control further comprising remote diagnostic testing of survey probes (col. 3, lines 33-43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan M. Le whose telephone number is (571) 272-2276. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Toan Le

December 7, 2007

John Barlow
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